



NO SHIPPING FEES\*

**Save 10%**  
on digital TVs \$699 & up



shop now ▶

# TIME

---

FROM THE MAGAZINE

---

Wednesday, Mar. 09, 2005

## Fighting Words 101

Politicians are trying to legislate free speech on college campuses. Is that a good idea?

By JEFF CHU

### » **Try 4 Issues of TIME magazine FREE!**

Colorado legislator Bob Hagedorn admits that when he proposed Senate Bill 85 in December, he was thinking of himself. In the wake of last fall's polarizing race for the White House, Hagedorn, a Democrat who is also a political-science professor at Metropolitan State College in Denver, grew more and more worried about saying the wrong thing as his students debated contentious issues like George W. Bush's No Child Left Behind initiative and the teaching of creationism in schools. Earlier in the year, students had filed bias complaints against a colleague who had criticized Republicans. "I'm thinking 'My God, we don't want to go there,'" he recalls. Yet at the same time, in the spirit of dialogue, he did want to. So he wrote a bill intended as a professorial-insurance policy, protecting his and his colleagues' right to challenge student views "when relevant to the chosen course of study."

His bill might have been winding its way quietly through committee right now, if not for University of Colorado professor Ward Churchill.

Controversy erupted in January after word spread among students and alumni at Hamilton College in New York that Churchill, who had been invited to speak there, had penned an essay equating U.S. foreign policy with Nazi Germany's conduct in World War II and labeling some of the people working in the World Trade Center "little Eichmanns," after the architect of the Holocaust. Hamilton canceled Churchill's engagement, but the furor spread. Outraged Colorado house members unanimously passed a resolution condemning his "evil and inflammatory" words. Colorado Governor Bill Owens called on Churchill to resign and urged lawmakers to consider changing tenure rules, normally the purview of the school and the elected board of regents that governs the state system. Wisconsin's state assembly overwhelmingly approved a nonbinding resolution asking the University of Wisconsin at Whitewater to cancel a March 1 speech by Churchill, but his visit went ahead last week as planned.

That legislative activism has drawn praise from conservatives (who see Churchill as the kind of lefty loony who typifies the bias of American

academia) and scorn from liberals (who view the efforts as an attack on academic freedom). It's indicative of a broader trend of lawmakers' chipping away at the traditional insularity of the ivory tower, claiming that universities are out of touch with their communities and spending tax dollars irresponsibly. But are legislators the right people to be setting the boundaries for civil--and free--discourse on the campuses of public colleges and universities?

Minnesota lawmakers last week became the latest to rally to the cause of conservative activist David Horowitz, whose Academic Bill of Rights is meant to rescue students from what the legislators perceive as rampant liberal bias. Over the past two months, Florida, Indiana, Ohio, Rhode Island and Tennessee have also started considering bills that would codify Horowitz's ideas by, say, not allowing students to be punished with a bad grade for their views. Georgia's senate passed a similar nonbinding resolution last year, while Colorado's version was withdrawn after state-university administrators signed a pledge to ensure that "political diversity is explicitly recognized and protected."

Legislators wield one potent weapon: money. In January, Utah state senators quietly red-lined funding for a \$37 million digital-learning center at Utah Valley State College. The senators were worried about "the drift of the campus," says UVSC president Bill Sederburg, who fielded complaints from them about an Oct. 20 campus speech by Michael Moore, a student production of *The Vagina Monologues* and a course on queer theory in literature. "The legislators are saying 'We don't want the college to go too far and lose touch with the community.' But we have an obligation to protect academic freedom."

Lawmakers left and right say freedom is exactly what they want to safeguard. "We are having witch hunts," says Hagedorn. A Metro State colleague, ethnic-studies professor Oneida Meranto, came under attack last winter after clashing with Republicans in her class. (She was later reprimanded not for her political views but for breach of privacy when she said that one of the complainants was going to flunk her class.)

For those on the right, true freedom requires more diversity--which, to them, means more conservatives in faculty ranks. "If the system were fair," says Larry Mumper, sponsor of the Ohio bill, "Rush Limbaugh and Sean Hannity would be tenured professors somewhere." Says Wisconsin assemblyman Steve Nass, a UW-Whitewater alumnus and chief sponsor of the Churchill resolution: "[Legislators] deal with the tax dollars that are put into the UW system. We have a responsibility to see that they are used appropriately." He may soon propose a Horowitz-inspired bill in Wisconsin.

The lawmakers approach academic freedom from different angles but end up in a similar place. The Hagedorn bill and the Horowitz-based bills cover the rights of faculty and students, although Hagedorn emphasizes professors' rights while the others focus on students'. They all trumpet the primacy of "intellectual independence." And they all reject political and

religious views as grounds for hiring, firing, reward and punishment. Students on Horowitz's side have even supported the Hagedorn bill, "particularly as it talks about the need for multiple viewpoints," says Ryan Call, Denver-based regional director of Students for Academic Freedom, which is allied with Horowitz. "Legislation should be the last alternative, but a lot of administrators are reticent to make any changes."

Critics question whether fair-mindedness in education can be legislated. "Legislators are acting out of frustration, with no great tools at their disposal," says David French, president of the Foundation for Independent Rights in Education, a nonpartisan civil-liberties group. "How do you mandate balance?" It's unclear, for instance, how either Hagedorn's bill or the Horowitz version would have made a difference in the case of Metro State's Meranto; neither prescribes penalties. Even if the bills passed, "there's a risk that [they] may set a precedent of legislators becoming micromanagers," says Robert O'Neil, director of the Thomas Jefferson Center for the Protection of Free Expression in Charlottesville, Va.

In Colorado, legislators have momentarily stepped back into an oversight role, giving the university the chance to look into Churchill's case, his credentials (he lacks a Ph.D.) and his research (other academics accuse him of doctoring facts about Native American history, a charge he has not answered). An investigative panel expects to issue its findings this week. Hagedorn believes he has the votes in the Democrat-controlled legislature to pass his bill, but Governor Owens is considered unlikely to sign it. Hearings on the bill probably will not begin until later this month, by which time, Hagedorn says, "we're hoping tempers will have quieted a bit."

The return of dispassion--and the legislators' temporary retreat--is a welcome thing, especially for some students who think that in the ballyhoo of the Churchill case, politics has blurred the educational focus of college life even more than a keg party. "The university is losing, and students are losing," says Scott Heiser, 20, a political-science major at Colorado. "We as a university could try to figure things out ourselves. It would be a dark day if we couldn't do it without Mommy and Daddy in the legislature making these decisions for us. We have to try to learn from each other." And this, if nothing else, is a teachable moment. --With reporting by Rita Healy/Denver and Chris Maag/Cleveland

Copyright © 2005 Time Inc. All rights reserved.  
Reproduction in whole or in part without permission is prohibited.

[Privacy Policy](#)